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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**59.87 (now 75.29) ACRES OF LAND,  
More or Less, SITUATED IN  
WASATCH COUNTY, STATE OF  
UTAH; DOYLE AND MARK WILSON  
FARM, a Utah Limited Partnership;  
WASATCH COUNTY TREASURER;  
and any UNKNOWN OWNERS claiming  
in interest in said Parcel nos. PRRP-24  
(fee),**

**Defendants.**

**ORDER**

**Case No. 2:02CV26 DAK**

This matter is before the court on Defendant Wilson Farm's Motion Regarding Calculation of Interest and the United States' Motion for Remittitur. The court has carefully considered the materials submitted by the parties and has determined that oral argument would not materially assist the court in deciding these motions.

The court denies the United States' Motion for Remittitur. The jury was not bound by the appraisal values of the experts, and during the trial, the jury received evidence upon which it could base an award above the appraised value of the second take. Given the totality of the evidence presented during the trial, the court finds that the jury's award on the second take is

supported by adequate evidence, as set forth in Defendant's memorandum in opposition to this motion.

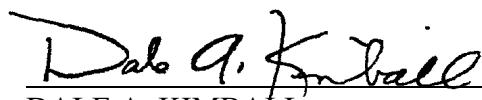
Regarding Wilson Farm's Motion Regarding Calculation of Interest, the court grants the motion, finding that interest should be calculated on the amounts awarded by the jury above that which was previously deposited with the Court for the lands taken in the first and second takings, from the January 10, 2002 date of the first take and the June 10, 2005 date of the second take. The trial in this matter is over and the discovery deadlines have long-since past. The court will not re-open discovery in this matter to determine the value of any benefit the Wilsons may have retained from January 10, 2002 to June 14, 2005. For this reason and for all the reasons set forth by Defendant in its Memorandum in Support and its Reply Memorandum related to this motion, the motion is granted.

### **CONCLUSION**

For the foregoing reasons, IT IS HEREBY ORDERED that Defendant's Motion Regarding Calculation of Interest [docket # 158] is GRANTED and Plaintiff's Motion for Remittitur [docket # 170] is DENIED.

DATED this 4<sup>th</sup> day of November, 2005.

BY THE COURT:

  
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DALE A. KIMBALL  
United States District Judge